



State of Idaho

DEPARTMENT OF WATER RESOURCES

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SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 26, 2002

Guy Peterson & Kathleen Donahue
Route 1
Carey, ID 83320

CERTIFIED MAIL

Dear Mr. Peterson & Ms. Donahue:

Recently, as a response to complaints from water users, our Department investigated several water diversions on Muldoon Creek. Your diversion from Muldoon Creek located in the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 19, Township 03 North, Range 22 East, was one of the diversions that was investigated. The investigation, conducted on August 14th, revealed that you were diverting approximately 8.25 cubic feet per second (412.5 inches) of water from Muldoon Creek. Review of Department records indicates that you have a water right, 37-1143, that only allows for the diversion of 2.80 cubic feet per second (140.0 inches) of water from Muldoon Creek.

The Department has investigated the Muldoon Creek Water District, 37-O, records and has determined that currently no one has been elected to serve as water master on Muldoon Creek. The August 14th investigation revealed that you were diverting far more water than allowed under your water right, and several water rights further downstream were not being delivered their fully authorized amount from Muldoon Creek. For these reasons, the Department hereby directs you to reduce your diversion from Muldoon Creek to 2.80 cubic feet per second (140.0 inches) within three days of receiving this letter. The Department will be reinvestigating the Muldoon Creek diversions after you receive this letter. If your diversion from Muldoon Creek is not reduced to the 2.80 cubic feet per second (140.0 inches) allowed by your water right, a Notice of Violation will be issued and you will be subject to civil penalties of up to \$300 per irrigated acre, up to a maximum of \$50,000 per year, pursuant to §42-1701B, Idaho Code.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Corey Skinner, PE
Water Resource Engineer

Cc: Tim Luke - IDWR State Office